

bridges for Liberty county, providing for the issuance of bonds by said county for the purpose of constructing permanent public roads; to authorize the investment of the permanent school funds of the State and of said county in such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and further recommend that it be not printed.

Floor report—Stafford, Yantis, Terrell and Johnson.

STAFFORD, Acting Chairman.

Senator Kerr moved to adjourn until 10 a. m. tomorrow.

Adjourned by the following vote:

Yeas—16.

| | |
|-----------|------------|
| Atlee. | Linn. |
| Burns. | Morriss. |
| Davidson. | Patterson. |
| Goss. | Ross. |
| Grinnan. | Turney. |
| James. | Wayland. |
| Johnson. | Yantis. |
| Kerr. | Yett. |

Nays—3.

| | |
|---------|----------|
| Hanger. | Terrell. |
| Miller. | |

Absent.

| | |
|----------|---------|
| Dibrell. | Potter. |
| Greer. | Stone. |
| Odell. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

EIGHTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas, Thursday, May 18, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

| | |
|-----------|------------|
| Burns. | Miller. |
| Davidson. | Morriss. |
| Dibrell. | Patterson. |
| Gough. | Ross. |
| Grinnan. | Stafford. |
| Hanger. | Terrell. |
| James. | Turney. |
| Johnson. | Wayland. |
| Kerr. | Yett. |
| McGee. | |

Absent.

| | |
|--------|---------|
| Atlee. | Odell. |
| Goss. | Potter. |
| Greer. | Stone. |
| Lewis. | Yantis. |
| Linn. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Senator Hanger moved a call of the Senate for the purpose of securing a quorum, which was ordered, the following Senators answering to their names:

| | |
|-----------|------------|
| Burns. | Miller. |
| Davidson. | Morriss. |
| Dibrell. | Patterson. |
| Gough. | Ross. |
| Grinnan. | Stafford. |
| Hanger. | Terrell. |
| James. | Turney. |
| Johnson. | Wayland. |
| Kerr. | Yett. |
| McGee. | |

Absent.

| | |
|--------|---------|
| Atlee. | Odell. |
| Goss. | Potter. |
| Greer. | Stone. |
| Lewis. | Yantis. |
| Linn. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

No quorum.

Senators Yantis and Goss were announced.

Quorum announced present.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Patterson, the same was dispensed with.

COMMITTEE REPORTS.

Committee Room,

Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 826, being a bill to be entitled "An Act to make it a penal offense for any person to alter, change, destroy or mutilate any public record or documents authorized, required or permitted by law to be kept by any officer within this State, and to fix the punishment therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recom-

mendation that it *do* pass, and that it be not printed.

Floor report—Davidson, Ross, Miller, James and Grinnan.

YANTIS, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 349, being a bill to be entitled "An Act to authorize, enable and permit School District No. Fourteen (No. 14), of the county of Jefferson, and State of Texas, to incorporate as an independent school district for free school purposes only, to be known as the Port Arthur Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only,"

And find the same correctly enrolled, and have this day, at 9:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 307, being a bill to be entitled "An Act to diminish the criminal jurisdiction of the County Court of Titus county, and to conform the jurisdiction of the district court to said change,"

And find the same correctly enrolled, and have this day, at 9:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 347, being a bill to be entitled "An Act to amend Section 6, of an act passed by the Twenty-sixth Legislature, entitled 'An Act to create and maintain a more efficient public road system for Cass county,'"

And find the same correctly enrolled, and have this day, at 9:50 a. m., pre-

sented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 282, being a bill to be entitled "An Act to appropriate \$100,000 to pay the officers and men of the Texas Volunteers prior to the inmustering into the service of the United States, in the late war with Spain; to pay those who were rejected; to pay for the necessary supplies, subsistence and transportation prior to their being mustered into service; to authorize the Governor to collect from the United States all moneys expended under this act,"

And find the same correctly enrolled, and have this day, at 9:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Substitute Senate bill No. 19, being a bill to be entitled "An Act to repeal Subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons,"

And find the same correctly enrolled, and have this day, at 9:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Substitute Senate bill No. 46, being a bill to be entitled "An Act to amend Article 127, Chapter 1, Title V, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to bribery,"

And find the same correctly enrolled, and have this day, at 9:50 a. m., pre-

sented the same to the Governor for his approval.

GRINNAN, Chairman.

Call concluded.

HOUSE MESSAGE.

The following message was received from the House:

Hall of the House of Representatives,
Austin, Texas, May 17, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 183, A bill to be entitled "An Act to amend Articles 3972, 3973, 3973c, 3974 (1) and (2), 3974e, 3976c, and 3980, Chapter 13, Title LXXXVI, Revised Statutes of 1895, relating to boards of examiners and teachers."

Also Senate bill No. 92, A bill to be entitled "An Act to amend Article 3893, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent school fund of the State of Texas, in county bonds," with amendment.

Also Substitute Senate bill No. 298, A bill to be entitled "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of school land in conflict therewith, and for patenting the same," with amendment.

Also Senate bill No. 297, A bill to be entitled "An Act to amend Article 496, Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to irrigating canals, wells, reservoirs, etc., and the protection thereof."

Also Senate bill No. 350, A bill to be entitled "An Act to provide for the purchase of one hundred acres of land known as the Magnus T. Habermehl homestead, in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds."

Also Senate bill No. 95, A bill to be entitled "An Act to provide for perfecting appeal in criminal cases from convictions had in justice courts or other inferior courts, to the county court."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

PENDING BUSINESS.

The Chair laid before the Senate, pending business, House bill No. 323 (industrial school bill), action being on final passage.

Senator Davidson moved to recommit the bill to the Committee on Education. Lost by the following vote:

Yeas—9.

| | |
|-----------|------------|
| Davidson. | Linn. |
| Goss. | Morriss. |
| Grinnan. | Patterson. |
| Hanger. | Yett. |
| Kerr. | |

Nays—13.

| | |
|----------|----------|
| Burns. | Miller. |
| Dibrell. | Ross. |
| Gough. | Terrell. |
| James. | Turney. |
| Johnson. | Wayland. |
| Lewis. | Yantis. |
| McGee. | |

Absent.

| | |
|--------|-----------|
| Atlee. | Potter. |
| Greer. | Stafford. |
| Odell. | Stone. |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Senator Miller moved the previous question on the bill, which was duly seconded, and pending ordering same,

Senator Grinnan moved a call on the Senate, which was ordered, the following Senators answering to their names:

| | |
|-----------|------------|
| Burns. | McGee. |
| Davidson. | Miller. |
| Dibrell. | Morriss. |
| Goss. | Patterson. |
| Gough. | Ross. |
| Grinnan. | Stafford. |
| Hanger. | Terrell. |
| James. | Turney. |
| Johnson. | Wayland. |
| Kerr. | Yantis. |
| Lewis. | Yett. |
| Linn. | |

Absent.

| | |
|--------|---------|
| Atlee. | Potter. |
| Greer. | Stone. |
| Odell. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Senator Miller moved to excuse the absentees.

Lost by the following vote (requiring a two-thirds vote):

Yeas—14.

| | |
|----------|----------|
| Burns. | McGee. |
| Dibrell. | Miller. |
| Gough. | Ross. |
| James. | Terrell. |
| Johnson. | Turney. |
| Lewis. | Wayland. |
| Linn. | Yantis. |

Nays—8.

Davidson. Morriss.
Grinnan. Patterson.
Hanger. Stafford.
Kerr. Yett.

Absent.

Goss. Potter.
Greer. Stone.
Odell.

Absent—Excused.

Lloyd. Sebastian.
Neal.

Pending business went to the table.

EXECUTIVE MESSAGE.

The following message from the Governor was received:

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, May 18, 1899.

To the Honorable, the Senate.

I have to ask the advice and consent of the Senate to the appointment of additional notaries public, as shown by the accompanying list.

JOSEPH D. SAYERS,
Governor.

SECOND SUPPLEMENTAL NOTARY LIST.

BASTROP COUNTY.

Bastrop—L. Heiligbrodt.

BOSQUE COUNTY.

Meridian—E. L. Lumpkin, S. H. Lumpkin, Wm. M. Hill, J. A. Gillette.
Clifton—C. O. Nelson.
Iredell—C. H. Cain, J. C. Phillips, W. H. Brashear.
Valley Mills—Alex McNeill.

BEXAR COUNTY.

San Antonio—Len Magruder, W. S. Anderson, I. C. Baker.

CHAMBERS COUNTY.

Winfree—Henry Griffith.

CHEROKEE COUNTY.

Rusk—J. M. McDugald.

DALLAS COUNTY.

Dallas—Chas. W. Boyer, Miss E. D. Wiley, E. A. Stuart, Jno. R. West, B. Y. Cummings.

FANNIN COUNTY.

Bonham—Charley Van Sickle.

FORT BEND COUNTY.

Richmond—T. A. Wessendorff.
Simonton—E. P. Andrus.

GALVESTON COUNTY.

Galveston—J. Singer, S. G. Burnett, Wm. A. Saunders, G. H. Anderson, Jr.

GONZALES COUNTY.

Dewville—Z. T. Vernor.

GRIMES COUNTY.

Cotton—W. W. Williamson.
Iola—J. M. Barron.

GRAYSON COUNTY.

Sherman—J. W. Blake.

HOUSTON COUNTY.

Colthorp—T. W. Craddock.
Belot—W. O. Lockey.

HARRIS COUNTY.

Houston—Thos. C. Dunn.

HOPKINS COUNTY.

Divide—Pete Helm.

HILL COUNTY.

Hillsboro—G. D. Tarlton.

LAMAR COUNTY.

Direct—R. H. Dahoney.

LIMESTONE COUNTY.

Groesbeck—Hope A. Hawkins.

M'CUCCLOCH COUNTY.

Waldrip—J. A. Musick.

M'LENNAN COUNTY.

Waco—Claude V. Birkhead, J. W. B. Reeves.
Hewitt—B. A. Phillips.

MONTAGUE COUNTY.

Bowie—F. J. Pattee.

NEWTON COUNTY.

Call—J. L. McElyer.
Ruliff—R. J. Bratten.

PANOLA COUNTY.

Dargan—R. M. Nash.

PALO PINTO COUNTY.

Mineral Wells—I. N. Wynn.

RAINES COUNTY.

Emory—W. M. Lamb.

RUSK COUNTY.

Henderson—W. H. Williams.

SAN AUGUSTINE COUNTY.

San Augustine—J. Ivey Phelps.

SHACKELFORD COUNTY.

Albany—L. E. Hill.

STERLING COUNTY.

Sterling City—James W. Swarts.

TAYLOR COUNTY.

Merkel—H. C. Williams.

TOM GREEN COUNTY.

San Angelo—John W. Hill.

TARRANT COUNTY.

Fort Worth—C. L. Wilson, S. M. Fry.

TRAVIS COUNTY.

Austin—R. H. Ward, Jno. A. Lomax,
R. T. Rector, A. S. Thweatt, Miss G. E.
Sturgess, S. L. McCulloch, I. J. Jones,
Ben E. McCulloch, E. M. Phelps, Harry
L. Haynes, Miss Nano M. Nagle.
Montopolis—George Munson.

UPSHUR COUNTY.

Gilmer—J. C. Roberts.

UVALDE COUNTY.

Con Can—J. A. Robinson.
Mantell—J. M. Arnold.

WOOD COUNTY.

Pleasant Grove—R. F. Gibson.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Free Conference Committee on Senate bill No. 323, the anti-trust bill, and appoints the following on the part of the House as said committee: Messrs. Wooten, Schluter, Smith of Grayson, Garner and Murray.

Also the House has adopted the Free Conference Committee report on House bill No. 447.

Respectfully,
LEE J. ROUNTREE,

Chief Clerk House of Representatives.
On motion of Senator Linn, the regu-
63—Senate

lar order of business was suspended to take up, on second reading,

House bill No. 783, A bill to be entitled "An Act to amend Title II, Article 3, Section 5, of the charter of the city of Galveston."

The bill was read a second time.

By Senator Miller.

"Amend by striking out in line 28, page 1, all after the word 'qualified' down to and including the word 'election,' in line 30."

By Senator Linn:

"Substitute the amendment as follows:

"Amend bill by striking out all after the word 'resident,' in line 30, page 1, down to and including the word 'election,' in line 30, page 1, and insert the following, 'of such city for six months immediately preceding the election in which such voter offers to vote.'"

Adopted.

The amendment as substituted was adopted.

By Senator Miller:

"Amend House bill No. 783, line 22, page 2, by adding to Section 2 the following, 'provided, that the election herein provided for shall be held in accordance with the Australian ballot law, and after at least twenty days' notice of the holding of such election.'"

Adopted.

The bill as amended was passed to a third reading.

On motion of Senator Linn, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

| | |
|-----------|------------|
| Burns. | McGee. |
| Davidson. | Morriss. |
| Dibrell. | Patterson. |
| Goss. | Ross. |
| Gough. | Stafford. |
| Grinnan. | Terrell. |
| Hanger. | Turney. |
| James. | Wayland. |
| Johnson. | Yantis. |
| Kerr. | Yett. |
| Linn. | |

Nays—1.

Miller.

Absent.

| | |
|--------|---------|
| Atlee. | Odell. |
| Greer. | Potter. |
| Lewis. | Stone. |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

The bill was read a third time, and, on motion of Senator Linn, laid on the table subject to call.

CALLED UP FOR CONCURRENCE.

Senator Goss called up

Senate bill No. 298, A bill to be entitled "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of State school land in conflict therewith," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

Senator Gough moved to excuse the absentees on House bill No. 323 (industrial school bill).

Lost by the following vote (requiring a two-thirds vote):

Yeas—14.

| | |
|----------|----------|
| Burns. | McGee. |
| Dibrell. | Miller. |
| Gough. | Ross. |
| James. | Terrell. |
| Johnson. | Turney. |
| Lewis. | Wayland. |
| Linn. | Yantis. |

Nays—9.

| | |
|-----------|------------|
| Davidson. | Morriss. |
| Goss. | Patterson. |
| Grinnan. | Stafford. |
| Hanger. | Yett. |
| Kerr. | |

Absent.

| | |
|--------|---------|
| Atlee. | Potter. |
| Greer. | Stone. |
| Odell. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

EXECUTIVE SESSION.

The Chair announced that the hour fixed for the Senate to go into executive session was at hand, and the Senate accordingly went into executive session.

AFTER EXECUTIVE SESSION.

In executive session, the following confirmations were had:

NOTARIES PUBLIC.

BASTROP COUNTY.

Bastrop—L. Heiligbrodt.

BOSQUE COUNTY.

Meridian—E. L. Lumpkin, S. H. Lumpkin, Wm. M. Hill, J. A. Gillette.

Clifton—C. O. Nelson.

Iredell—C. H. Cain, J. C. Phillips, W. H. Brashear.

Valley Mills—Alex McNeill.

BEXAR COUNTY.

San Antonio—Len Magruder, W. S. Anderson, I. C. Baker.

CHAMBERS COUNTY.

Winfree—Henry Griffith.

CHEROKEE COUNTY.

Rusk—J. M. McDugald.

DALLAS COUNTY.

Dallas—Chas. W. Boyer, Miss E. D. Wiley, E. A. Stuart, Jno. R. West, B. Y. Cummings.

FANNIN COUNTY.

Bonham—Charley Van Sickle.

FORT BEND COUNTY.

Richmond—T. A. Wessendorff.

Simonton—E. P. Andrus.

GALVESTON COUNTY.

Galveston—J. Singer, S. G. Burnett, Wm. A. Saunders, G. H. Anderson, Jr., Thos. J. Donnelly, J. L. Boddeker, C. O. Hervey, John J. LaBarthe, T. S. Munson, Mart H. Royston, Clegg Stewart, N. J. Bryan, P. S. Wren, W. C. Skinner, C. G. Fordtran, Hoskins Foster, W. L. Shumate, Newton J. Skinner, William Selkirk, James H. Selkirk, John C. Tellefson, Marsene Johnson, S. H. Atkinson, Ben Redding, J. Seinsheimer, Maurice Gros, J. Singer, S. S. Linn, Fred Chase, R. R. Chamberlain, Walter G. Jones, Numa Lauve, Ben S. Davison, J. R. Cheek, Hamilton Blagge, A. B. Tuller, William A. Saunders, Fred W. Catterall.

Dickinson—D. S. Anderson.

GONZALES COUNTY.

Dewville—Z. T. Vernor.

GRIMES COUNTY.

Cotton—W. W. Williamson.

Iola—J. M. Barron.

GRAYSON COUNTY.

Sherman—J. W. Blake.

HOUSTON COUNTY.

Colthorp—T. W. Craddock.

Belot—W. O. Lockey.

HARRIS COUNTY.

Houston—Thos. C. Dunn.

HOPKINS COUNTY.

Divide—Pete Helm.

HILL COUNTY.

Hillsboro—G. D. Tarlton.

LAMAR COUNTY.

Direct—R. H. Dahoney.

LIMESTONE COUNTY.

Groesbeeck—Hope A. Hawkins.

M'CULLOCH COUNTY.

Waldrup—J. A. Musick.

M'LENNAN COUNTY.

Waco—Claude V. Birkhead, J. W. B. Reeves.

Hewitt—B. A. Phillips.

MONTAGUE COUNTY.

Bowie—F. J. Pattee.

NEWTON COUNTY.

Call—J. L. McElyer.

Ruliff—R. J. Bratten.

PANOLA COUNTY.

Dargan—R. M. Nash.

PALO PINTO COUNTY.

Mineral Wells—I. N. Wynn.

RAINES COUNTY.

Emory—W. M. Lamb.

RUSK COUNTY.

Henderson—W. H. Williams.

SAN AUGUSTINE COUNTY.

San Augustine—J. Ivey Phelps.

SHACKELFORD COUNTY.

Albany—L. E. Hill.

STERLING COUNTY.

Sterling City—James W. Swarts.

TAYLOR COUNTY.

Merkel—H. C. Williams.

TOM GREEN COUNTY.

San Angelo—John W. Hill.

TARRANT COUNTY.

Fort Worth—C. L. Wilson, S. M. Fry.

TRAVIS COUNTY.

Austin—R. H. Ward, Jno. A. Lomax, R. T. Rector, A. S. Thweatt, Miss G. E. Sturgess, S. L. McCulloch, I. J. Jones,

Ben E. McCulloch, E. M. Phelps, Harry L. Haynes, Miss Nano M. Nagle. Montopolis—George Munson.

UPSHUR COUNTY.

Gilmer—J. C. Roberts.

UVALDE COUNTY.

Con Can—J. A. Robinson.

Mantell—J. M. Arnold.

WOOD COUNTY.

Pleasant Grove—R. F. Gibson.

Senator Johnson moved to adjourn until 10 a. m. tomorrow.

Senator James moved to adjourn until 3 p. m.

The Senate refused to adjourn until 10 a. m. tomorrow by the following vote:

Yeas—3.

Johnson.

Ross.

Miller.

Nays—19.

Burns.

Linn.

Davidson.

McGee.

Dibrell.

Morris.

Goss.

Stafford.

Gough.

Terrell.

Grinnan.

Turney.

Hanger.

Wayland.

James.

Yantis.

Kerr.

Yett.

Lewis.

Absent.

Atlee.

Patterson.

Greer.

Potter.

Odell.

Stone.

Absent—Excused.

Lloyd.

Sebastian.

Neal.

The Senate then adjourned until 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Burns.

Miller.

Davidson.

Morris.

Gough.

Ross.

Grinnan.

Stafford.

Hanger.

Terrell.

James.

Turney.

Johnson.

Wayland.

Lewis.

Yantis.

Linn.

Yett.

McGee.

Absent.

| | |
|----------|------------|
| Atlee. | Odell. |
| Dibrell. | Patterson. |
| Goss. | Potter. |
| Greer. | Stone. |
| Kerr. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Senator Hanger moved a call of the Senate, which was ordered, the following Senators answering to their names:

| | |
|-----------|-----------|
| Burns. | McGee. |
| Davidson. | Miller. |
| Dibrell. | Morriss. |
| Goss. | Ross. |
| Gough. | Stafford. |
| Grinnan. | Terrell. |
| Hanger. | Turney. |
| James. | Wayland. |
| Johnson. | Yantis. |
| Lewis. | Yett. |
| Linn. | |

Absent.

| | |
|--------|------------|
| Atlee. | Patterson. |
| Greer. | Potter. |
| Kerr. | Stone. |
| Odell. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Quorum announced present.

BILLS NO. 359 AND 360.

By unanimous consent, the following bills were introduced:

By Senator Yantis:

Senate bill No. 359, A bill to be entitled "An Act to amend Article 5318, Title CVIII, of the Revised Civil Statutes of the State of Texas, prescribing penalties against trusts and conspiracies against trade."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Miller:

Senate bill No. 360, A bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns."

Read first time, and referred to the Committee on Towns and City Corporations.

CALLED UP FOR CONCURRENCE.

Senator Lewis called up

Senate bill No. 92, A bill to be entitled "An Act to amend Article 3893, Chapter 6, Title LXXXVI, of the Revised Civil

Statutes of the State of Texas, 1895, relating to the investment of the permanent school funds of the State of Texas in county bonds," which had passed the House with the following amendment:

"Amend Section 2 so as to read as follows:

"Section 2. That this act shall not be so construed as to conflict with an Act on the same subject, approved April 20, 1899.'"

The above amendment was read.

By Senator Lewis:

"Amend House amendment so as to read as follows: 'Amend Section 2 so as to read as follows:

"Section 2. This act shall not be construed to conflict with or to repeal an Act on the same subject, passed by the present Legislature, and approved April 20, 1899, and this act shall be deemed and held cumulative of said act.'"

Adopted by the following vote:

Nays—16.

| | |
|----------|-----------|
| Burns. | McGee. |
| Dibrell. | Morriss. |
| Goss. | Ross. |
| Gough. | Stafford. |
| Grinnan. | Terrell. |
| James. | Wayland. |
| Kerr. | Yantis. |
| Lewis. | Yett. |

Nays—5.

| | |
|-----------|---------|
| Davidson. | Miller. |
| Hanger. | Turney. |
| Johnson. | |

Absent.

| | |
|--------|------------|
| Atlee. | Patterson. |
| Greer. | Potter. |
| Linn. | Stone. |
| Odell. | |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

Action being on the adoption of the House amendment as amended, Senator Miller moved that the Senate refuse to concur in the said amendment, and that a Free Conference Committee to consider the differences of the two houses be requested.

Lost by the following vote:

Yeas—5.

| | |
|-----------|---------|
| Davidson. | Miller. |
| Hanger. | Turney. |
| Kerr. | |

Nays—16.

| | |
|----------|----------|
| Burns. | Grinnan. |
| Dibrell. | James. |
| Goss. | Lewis. |
| Gough. | Linn. |

McGee.
Morris.
Ross.
Stafford.

Terrell.
Wayland.
Yantis.
Yett.

Absent.

Atlee.
Greer.
Johnson.
Odell.

Patterson.
Potter.
Stone.

Absent—Excused.

Lloyd.
Neal.

Sebastian.

(President Pro Tem Stafford in the chair.)

The Senate then adopted the House amendment as amended by the following vote:

Yeas—16.

Burns.
Dibrell.
Gough.
Grinnan.
Hanger.
James.
Lewis.
Linn.

McGee.
Ross.
Stafford.
Terrell.
Turney.
Wayland.
Yantis.
Yett.

Nays—5.

Davidson.
Goss.
Kerr.

Miller.
Morris.

Absent.

Atlee.
Greer.
Johnson.
Odell.

Patterson.
Potter.
Stone.

Absent—Excused.

Lloyd.
Neal.

Sebastian.

Senator Linn moved to reconsider the vote by which the House amendment as amended was adopted.

Reconsidered.

The amendment as amended was then adopted by the following vote:

Yeas—21.

Burns.
Davidson.
Dibrell.
Goss.
Gough.
Grinnan.
Hanger.
James.
Johnson.
Kerr.
Lewis.

Linn.
McGee.
Miller.
Morris.
Ross.
Stafford.
Terrell.
Turney.
Wayland.
Yantis.

Absent.

Atlee.
Greer.
Odell.

Patterson.
Potter.
Stone.

Absent—Excused.

Lloyd.
Neal.

Sebastian.

CALLED UP FROM THE TABLE.

Senator Linn called up from the table House bill No. 783 (see Journal of morning session), action being on final passage, pending which,

Senator Linn sent to the Secretary's desk and had read the original notice of application for the passage of the bill amending the Galveston city charter.

The bill was then passed by the following vote:

Yeas—21.

Burns.
Davidson.
Dibrell.
Goss.
Gough.
Hanger.
James.
Johnson.
Kerr.
Lewis.
Linn.

McGee.
Miller.
Morris.
Ross.
Stafford.
Terrell.
Turney.
Wayland.
Yantis.
Yett.

Absent.

Atlee.
Greer.
Grinnan.
Odell.

Patterson.
Potter.
Stone.

Absent—Excused.

Lloyd.
Neal.

Sebastian.

Senator Linn moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

(Lieutenant-Governor Browning in the chair.)

BILLS SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 297, "An Act to amend Article 496, of Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to irrigation canals, wells, reservoirs, etc., and the protection thereof."

Senate bill No. 350, "An Act to provide for the purchase of one hundred acres of land, known as the Magnus T. Habermehl homestead, in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds."

Senate bill No. 95, "An Act providing for perfecting appeals in criminal cases from convictions had in justice courts, or other inferior courts, to the county courts."

COMMITTEE REPORT.

The following committee report was made:

Committee Room,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 359, being a bill to be entitled "An Act to amend Article 5318, of the Revised Civil Statutes of the State of Texas, prescribing penalties against trusts and conspiracies against trade,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

Floor report—Miller, Yantis. Davidson, Ross, Grinnan, Terrell.

YANTIS, Chairman.

(President Pro Tem Stafford in the chair.)

Senator Turney called up from the table (see Journal of yesterday) the Free Conference Committee report on

House bill No. 447, by Peery, being a bill to be entitled "An Act to amend an Act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances,' and moved its adoption.

Adopted by the following vote:

Yeas—12.

| | |
|----------|-----------|
| Burns. | Morriss. |
| Goss. | Ross. |
| Grinnan. | Stafford. |
| Hanger. | Terrell. |
| Kerr. | Turney. |
| McGee. | Yett. |

Nays—9.

| | |
|-----------|------------|
| Davidson. | Linn. |
| Gough. | Miller. |
| James. | Patterson. |
| Johnson. | Wayland. |
| Lewis. | |

Absent.

| | |
|----------|---------|
| Atlee. | Potter. |
| Dibrell. | Stone. |
| Greer. | Yantis. |
| Odell. | |

Absent—Excused.

| | |
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| Lloyd. | Sebastian. |
| Neal. | |

Senator Goss moved to reconsider the vote by which the report was adopted, and to lay that motion on the table.

Tabled by the following vote:

Yeas—15.

| | |
|----------|------------|
| Burns. | Morriss. |
| Goss. | Patterson. |
| Grinnan. | Ross. |
| Hanger. | Stafford. |
| James. | Terrell. |
| Johnson. | Turney. |
| Kerr. | Yett. |
| McGee. | |

Nays—7.

| | |
|-----------|----------|
| Davidson. | Miller. |
| Dibrell. | Wayland. |
| Gough. | Yantis. |
| Linn. | |

Absent.

| | |
|--------|---------|
| Atlee. | Odell. |
| Greer. | Potter. |
| Lewis. | Stone. |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 187, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing whereby land or real property situated in the State of Texas is made security for the payment of debts, together with such debts, to be land or real property, for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes," with amendments.

Also the House refuses to concur in Senate amendments to Substitute House bill No. 111, and asks for a Free Conference Committee, and the following have been appointed on part of the House: Messrs. Henderson of Lamar, Stewart, Shropshire, Collins and Willacy.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Senator Dibrell moved that the request of the House for a Free Conference Committee on Substitute House bill No. 111 (general appropriation bill) be granted.

Carried, and the Chair appointed as committee on part of the Senate, Sena-

tors Dibrell, Patterson, James, Turney and Atlee.

RESOLUTION.

By unanimous consent, the following was introduced:

By Senator Dibrell:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to wire all absent Senators to return to the Senate immediately.

Adopted.

CALLED UP FOR CONCURRENCE.

Senator Grinnan called up

Senate bill No. 187, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing whereby land or real property situated in the State of Texas is made security for the payment of debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes," which had passed the House with amendment, and moved that the Senate *do not* concur in said amendment, and that a Free Conference Committee be requested to consider the difference of the two houses.

So ordered, and the Chair appointed as committee on part of the Senate, Senators Davidson, Patterson, Grinnan, Terrell and Yett.

PENDING BUSINESS.

The Chair laid before the Senate pending business, House bill No. 323 (industrial school bill), action being on Senator Miller's motion for the previous question, on final passage, pending which,

Senator Hanger moved a call of the Senate, which was ordered, the following Senators answering to their names:

| | |
|-----------|------------|
| Burns. | Miller. |
| Davidson. | Morriss. |
| Goss. | Patterson. |
| Gough. | Ross. |
| Grinnan. | Stafford. |
| Hanger. | Terrell. |
| James. | Turney. |
| Johnson. | Wayland. |
| Linn. | Yantis. |
| McGee. | Yett. |

Absent.

| | |
|----------|---------|
| Atlee. | Lewis. |
| Dibrell. | Odell. |
| Greer. | Potter. |
| Kerr. | Stone. |

Absent—Excused.

| | |
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| Lloyd. | Sebastian. |
| Neal. | |

Senator Miller moved to excuse the absentees.

Lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—12.

| | |
|----------|----------|
| Burns. | Miller. |
| Gough. | Ross. |
| James. | Terrell. |
| Johnson. | Turney. |
| Linn. | Wayland. |
| McGee. | Yantis. |

Nays—8.

| | |
|-----------|------------|
| Davidson. | Morriss. |
| Goss. | Patterson. |
| Grinnan. | Stafford. |
| Hanger. | Yett. |

Absent.

| | |
|----------|---------|
| Atlee. | Lewis. |
| Dibrell. | Odell. |
| Greer. | Potter. |
| Kerr. | Stone. |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

No quorum voting.

Senator Miller moved to adjourn until 10 a. m. Monday.

Lost by the following vote:

Yeas—5.

| | |
|------------|-----------|
| Johnson. | Stafford. |
| Morriss. | Yett. |
| Patterson. | |

Nays—13.

| | |
|----------|----------|
| Burns. | Miller. |
| Goss. | Ross. |
| Gough. | Terrell. |
| Grinnan. | Turney. |
| Hanger. | Wayland. |
| James. | Yantis. |
| Linn. | |

Present—Not voting.

| | |
|-----------|--------|
| Davidson. | McGee. |
|-----------|--------|

Absent.

| | |
|----------|---------|
| Atlee. | Lewis. |
| Dibrell. | Odell. |
| Greer. | Potter. |
| Kerr. | Stone. |

Absent—Excused.

| | |
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| Lloyd. | Sebastian. |
| Neal. | |

Senator Goss moved to adjourn until 10 a. m. tomorrow.

Adjourned by the following vote:

Yeas—11.

| | |
|-----------|------------|
| Burns. | James. |
| Davidson. | Johnson. |
| Goss. | Linn. |
| Grinnan. | Patterson. |

| | |
|-----------|----------|
| Stafford. | Yett. |
| Yantis. | |
| Nays—9. | |
| Gough. | Ross. |
| Hanger. | Terrell. |
| McGee. | Turney. |
| Miller. | Wayland. |
| Morriss. | |

Absent.

| | |
|----------|---------|
| Atlee. | Lewis. |
| Dibrell. | Odell. |
| Greer. | Potter. |
| Kerr. | Stone. |

Absent—Excused.

| | |
|--------|------------|
| Lloyd. | Sebastian. |
| Neal. | |

EIGHTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, Friday, May 19, 1899.
Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

| | |
|-----------|------------|
| Burns. | Miller. |
| Davidson. | Patterson. |
| Dibrell. | Ross. |
| Goss. | Stafford. |
| Greer. | Stone. |
| Grinnan. | Terrell. |
| Hanger. | Turney. |
| James. | Wayland. |
| Kerr. | Yantis. |
| Lloyd. | Yett. |
| McGee. | |

Absent.

| | |
|----------|----------|
| Atlee. | Linn. |
| Gough. | Morriss. |
| Johnson. | Odell. |
| Lewis. | Potter. |

Absent—Excused.

| | |
|-------|------------|
| Neal. | Sebastian. |
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Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

EXCUSED.

On motion of Senator Hanger, Senator Greer was excused for non-attendance on Tuesday, Wednesday and Thursday of this week on account of important business.

On motion of Senator Terrell, Senator Yantis was excused for non-attendance on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 360, being a bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Miller, Stafford, Hanger, Ross and Dibrell.

MILLER, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

To Hon. Jas. N. Browning, President of the Senate, and Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIRS: We, your Free Conference Committee, to whom was referred the differences between the House and Senate on the matter of the House amendments to Senate bill No. 323, being a bill to be entitled "An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles, to prevent the formation and operation of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this act, and to authorize the institution of prosecutions and suits therefor," have had the same under consideration, and respectfully report that we recommend as follows:

1st. That the Senate do concur in House amendment No. 1, which is the insertion in the bill of a new section to be called "Section 1a," defining a "monopoly," with an amendment thereto, adding at the end thereof the following words and language:

"And a monopoly as defined in this section is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act."

2nd. That the Senate do concur in House amendment No. 5, which is as follows:

"Amend lines 20 and 22, page 2 of the original bill, by striking out in both of said lines the word "bankrupting" and